



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

ELP  
Docket No. 4510-00  
8 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 24 September 1980 for four years as an SN (E-3). At the time of your enlistment, you had completed nearly three years of active duty in the Army. The record reflects that you changed your rate to AN and served more than 29 months without incident. However, during the seven-month period from March to October 1983 you received two nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of three periods of unauthorized absence (UA) totalling about 61 days and use of marijuana.

On 11 May 1984 you were convicted by special court-martial of two periods of UA from 28-29 February and 5 March to 11 April 1984, and wrongful possession of a knife. You were sentenced to confinement at hard labor for three months, forfeitures of \$250 per month for three months, and a bad conduct discharge. You were placed on appellate leave on 25 June 1984 and the Navy Court of Military Review affirmed the findings and the sentence on

12 October 1984. You received the bad conduct discharge on 13 May 1985.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your prior honorable service and good post service conduct. Although your prior Army service is documented in the record, you provide no documentation to support your claim of service in Vietnam. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of two NJPs and convictions by a summary court-martial and a special court-martial. Your prior honorable Army service and alleged service in Vietnam do not provide a valid basis for recharacterizing your second period of service. You have provided neither probative evidence nor a persuasive argument justifying the misconduct which led to your punitive discharge. Your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director